

BOARD OF DESIGN REVIEW MINUTES

February 12, 2004

CALL TO ORDER: Chairman Mimi Doukas called the meeting to order at 6:30 p.m. in the Beaverton City Hall Council Chambers at 4755 SW Griffith Drive.

ROLL CALL: Present were Chairman Mimi Doukas; Board Members Ronald Nardoza, Jennifer Shipley, and Jessica Weathers. Board Members Cecilia Antonio, Hal Beighley, and Stewart Straus were excused.

Senior Planner John Osterberg, Associate Planner Tyler Ryerson, Senior Transportation Planner Don Gustafson, and Recording Secretary Sheila Martin represented staff.

VISITORS:

Chairman Doukas read the format for the meeting and asked if any member of the audience wished to address the Board on any non-agenda item. There was no response.

NEW BUSINESS:

PUBLIC HEARING:

Chairman Doukas opened the Public Hearing and read the format of the hearing. There were no disqualifications of Board Members. No one in the audience challenged the right of any Board Member to hear any agenda items or participate in the hearing or requested that the hearing be postponed to a later date. She asked if there were any ex parte contact, conflict of interest or disqualifications in any of the hearings on the agenda.

I. FEDERAL HEIGHTS MULTIFAMILY DEVELOPMENT

A. DR 2003-0070 – DESIGN REVIEW III

B. TP 2003-0032 – TREE PLAN II

The applicant requests Design Review approval for the construction of a 60-unit multi-family residential development, including six buildings in three clusters, designed in a colonial manor style, with an associated elevator structure. The building height would not exceed 35 feet. Internal parking courts will be located within each building cluster, the existing home is proposed to be retained, and Tree Plan II application is proposed for the removal of site community trees.

Ms. Shipley indicated that she had visited the site, observing that she lives near and is familiar with the site and that she had not discussed the proposal with any individuals.

Chairman Doukas briefly described the hearing process that would be followed.

Associate Planner Tyler Ryerson presented the Staff Reports and discussed the two applications associated with this proposal, observing that although staff had originally recommended denial of DR 2003-0070, based upon revisions to the site plan with regard to the proposed number of parking spaces, staff has reversed this recommendation and now recommends that application, based upon recommended conditions of approval. He described both applications and described the features, colors, and materials that have been proposed for this development. Concluding, he recommended approval of both applications, including recommended conditions of approval and providing for modification of condition of approval No. 25 and an additional condition of approval to DR 2003-0070, and offered to respond to questions.

Mr. Nardozza questioned whether it has been determined when the proposed improvements to SW 155th Avenue would occur.

Mr. Ryerson advised Mr. Nardozza that Senior Transportation Planner Don Gustafson would address the potential improvements to SW 155th Avenue.

Observing that the City of Beaverton had retained the services of a consultant to prepare a preliminary engineering design study for improvements to SW 155th Avenue in the past, Senior Transportation Planner Don Gustafson pointed out that funding is not available at this time and that while the project is currently on the City's capitol improvements list, it is not anticipated that this project currently has priority to be funded within the next five years.

On question, Mr. Ryerson clarified for Mr. Nardozza that the reversal of staff's recommendation for denial of DR 2003-0070 was strictly related to revisions to the parking proposal, observing that the minimum parking requirement has been appropriately addressed and revised.

APPLICANT:

DOUG MULL, representing *Dolphin Development*, explained that he has been building homes in the Beaverton area for 32 years, and has been a resident of Beaverton for many years and on this specific site for greater than five years. Emphasizing that this proposal meets all applicable code and zoning requirements outright and that no variances have been requested, he provided computer generated illustrations depicting the various views of the site, including the buildings, landscaping, lighting, and access throughout the development. Concluding, he offered to respond to questions.

At the request of Ms. Shipley, Mr. Mull observed that *Dolphin Development* had actually constructed the existing sewer system in conjunction with Molly Park at SW Weir Road and SW 155th Avenue, and pointed out that this system had been extended up to Waterfront Park. He also described the appearance and materials to be utilized for the proposed retaining walls, noting that river rock has not been included. Observing that the proposed development includes condominium units, he advised Chairman Doukas that although the existing home has been remodeled, it does not fall under the applicable criteria for design review.

Chairman Doukas expressed her concern with what she referred to legal platting issues with regard to legal access.

PUBLIC TESTIMONY:

Observing that she is not actually opposed to the proposed development, **ZEBBY WHEELLOCK** pointed out that she does have several concerns, particularly with regard to potential hazards related to parking issues. Emphasizing that this would continue to create a problem until improvements are made to SW 155th Avenue, which would not occur in the near future, she pointed out that she is also concerned with density issues

JAMES MAGUIRE stated that while he supports development within the community, he objects to developing land simply because it is there without any regard to the safety, interests, and public good of the local community and current neighbors. Concluding, he described his specific concerns, as follows: 1) neighborhood continuity; 2) parking and public transportation; 3) congestion; 4) safety; 5) future funding of improvements to SW 155th Avenue; and 6) appropriate, compatible, and complimentary development.

Chairman Doukas questioned whether access had been considered on the north end of the property, as opposed to the south end, at the crest of the hill.

Mr. Sederok advised Chairman Doukas that access had not been considered on the north end, observing that this had been based upon recommendations of the Development Code, and pointed out that the southern hump is in compliance with the City's vision clearance standards.

Chairman Doukas emphasized that this proposal involves a condominium development, rather than apartment units.

MICHAELNE TOMCZYK explained that she has two primary concerns, specifically the developer's responsibility for what she considers necessary street improvements to SW 155th Avenue and appropriate emergency access.

PATRICK B. O'CALLAHAN pointed out that he is a member of the Board of Directors for the Avalon Homeowner's Association, emphasizing that he is

concerned with adding to the existing traffic problems in the neighborhood. Observing that every unit would most likely house two adults and in turn generate two vehicles, he explained that the 60 units would involve a minimum of 120 vehicles, adding that there is the potential for three vehicles at some of these units. He noted that this parking problem would create some serious livability issues, noting that the problems on SW 155th Avenue should be resolved.

JENNIFER HANKE explained that she had moved into this neighborhood in an effort to escape a very high density living environment, emphasizing that these condominiums would create the very high density environment she is attempting to avoid. She pointed out that high density also tends to reduce property values a neighborhood, adding that she is also concerned with walking her dog on a narrow street with limited visibility (SW 155th Avenue), and expressed her concern that there is no guarantee that this street would ever be improved.

Chairman Doukas questioned whether staff had received the letter/petition, dated February 4, 2004, signed by 27 property owners, and an unsigned list of concerns.

Steve Martens indicated that he had submitted the unsigned list of concerns.

Mr. Ryerson pointed out that Exhibit 4 includes letters submitted by the public as testimony from the following individuals: 1) Ken and Chris Parish; 2) Patrick O'Callahan; and 3) Jim McGuire.

Observing that substantial traffic would be generated in association with this development, Chairman Doukas questioned whether these funds would be specifically dedicated to this district.

Mr. Gustafson clarified that the funds are deposited into a County pool and that an attempt is made to allocate funds back into the area where they were collected, and explained that this proposal involves more than \$87,000 in TIF fees.

KEITH JORGENSEN pointed out that he has several concerns with the design of the project, specifically with regard to the impact on the local schools, various traffic issues, privacy, livability, parking, public transportation, building heights, and both vehicular and pedestrian access. Concluding, he stated that he would like to see the project redesigned to take into consideration the existing character of the neighborhood and the existing capacity of the surrounding roads and schools, and expressed his opinion that this development would create an intrusion upon his privacy.

SUSAN M. NOLAN expressed her concern with buffering between the proposed development and the houses that exist to the south of the site. Noting that there are also issues with regard to drainage and potential slide damage, she emphasized that she is also concerned with the potential for decreased property values.

JADA PEARSON submitted a letter, dated February 4, 2003, bearing the signatures of 27 individuals who own property in the area of the proposed development, observing that this includes residents of Arbor Crest, Sierra Park, and Holly Ridge developments that surround this property.

KEN R. PARISH pointed out that SW 155th Avenue is barely capable of supporting the current traffic flow, emphasizing that this road needs to be developed and widened prior to the addition of any further development.

Observing that the residents of his neighborhood includes numerous children, **DAVID M. PEARSON** pointed out that while it is unfortunate, because there is no other place to play, they all play on the street. He discussed the proximity of the schools in the area, as well as local parks, noting that these facilities are not within walking distance for these children, and expressed his preference for another park in the area, rather than housing.

STEVE MARTENS mentioned that several of his concerns have not yet been addressed, particularly lighting issues that would affect both the privacy of the adjacent property owners and the safety of the residents of the proposed condominiums. He pointed out that he is also concerned with the six-foot Douglas Fir trees that have been proposed, specifically with regard to the potential height of these trees in ten, fifteen, or even twenty years. Noting that these trees are particularly susceptible to windstorms, he expressed his opinion that this single line of trees proposed along the property line would not provide adequate privacy. Concluding, he expressed concern with parking issues, adding that he would appreciate being informed prior to any further developments with regard to this proposal.

Chairman Doukas advised Mr. Martens that tonight's decision by the Board of Design Review would involve an appeal period of ten calendar days, adding that this decision would be final unless there is an appeal to the City Council, and explained that any City Council decision would be final unless the issue is appealed to the State Land Use Board of Appeals (LUBA).

Mr. Ryerson clarified that the ten day appeal period begins once the Land Use Order is signed and mailed out to all participants, which generally occurs approximately a week following the decision, and explained that any individual who has provided oral or written testimony would receive a copy of this document.

Observing that he is a new homeowner in the area, **NATHAN WHITHAM** pointed out that the purchase of his home had just closed the day before, adding that he had been somewhat disdained when he became aware of this proposal. He explained that he had purposely moved to this neighborhood to escape from a similar situation. He mentioned that he is a former police officer, noting that this development would increase crime, noise, pollution, and traffic in the neighborhood, and requested that this proposal be denied.

GLEN GERBER expressed his opinion that Douglas Fir might not be a particularly good choice of trees for this area, and pointed out that when he had moved into his home five years earlier, an arborist had determined that the Douglas Fir trees in the area were dying from a particular disease, adding that this disease also affects a particular stand of trees located next to SW Weir Road. Noting that SW 155th Avenue is one of the streets he travels on his bicycle, he emphasized that increased traffic will increase the danger for bicyclists.

CHRIS MARINO expressed his support of Mr. Gerber's concerns with regard to the diseased Douglas Fir trees, emphasizing that these trees should be grouped in order to support one another and to address safety issues for the homes and people living in the area.

Mr. Ryerson indicated that he is familiar with the particular grove of trees mentioned by Mr. Gerber and Mr. Marino.

APPLICANT REBUTTAL:

PAUL SEDORUK, representing *Land Tech Inc.*, on behalf of *Dolphin Development*, described the orientation of the buildings into the hill, emphasizing that every effort had been made to address any impact on the adjacent property owners within applicable standards and guidelines, adding that all setback requirements had been met or exceeded. Concluding, he explained that the applicant is very concerned with all aspects of impact, safety, parking, and traffic that had been described, adding that all necessary documentation has been provided, and offered to respond to questions.

Chairman Doukas mentioned staff's request for additional clarification with regard to the 35-foot maximum height requirement, as outlined on page 14 of the Staff Report for DR 2003-0070.

Mr. Ryerson advised Chairman Doukas that the applicant's resubmittal plans had resolved this particular issue, adding that this information is provided on page 3 or 4 of the plans.

Chairman Doukas requested clarification regarding plans for the existing house.

Mr. Sedoruk explained that the existing house has been thoroughly remodeled, emphasizing that in spite of an earlier comment, this structure is not intended to serve as a clubhouse for the Homeowner's Association.

Emphasizing that she is aware that the proposal meets applicable density requirements, Chairman Doukas pointed out that she is concerned with how this density has been located in the three corners of the property. Noting that she appreciates the innovative design of the units, she mentioned that she would like some clarification from the applicant with regard to the density, emphasizing that

pushing these units up against three corners of the property also creates additional impact to the adjacent neighborhood and properties, particularly with regard to the lack of adequate screening and buffering.

Mr. Sedoruk explained how he had attempted to maximize the density on the site.

Reiterating that she has no issue with maximizing the density on the site, Chairman Doukas pointed out that she is concerned with how this density relates to the neighborhood, as well as the screening and buffering, height and bulk, and how the transition is accomplished.

Mr. Sedoruk described the various options that had been available for this site, expressing his opinion that the applicant had made the best decision with regard to the property.

Emphasizing that the applicant has some ability to control how this site develops, Chairman Doukas explained that there is some flexibility available with regard to the design standards, adding that the end result would be most feasible for everyone involved. She expressed concern with a lack of a play area or an active open space.

Mr. Sedoruk advised Chairman Doukas that 92% of the purchasers involve single individuals, pointing out that when schools were an issue at Avalon Park, the 56 homes included only four children.

Chairman Doukas informed Mr. Sedoruk that the applicant had not indicated that this proposal involved an adult community.

Mr. Sedoruk commented that a designated adult community involves age restrictions that the applicant is not prepared to address.

Mr. Nardoza noted that he is concerned with developing these massive structures within this single-family neighborhood, adding that he does not feel this is the appropriate location for these buildings.

Mr. Sedoruk observed that this proposal meets the applicable criteria of the Development Code, expressing his opinion that the applicant had adequately mitigated any impacts.

Mr. Mull pointed out that the applicant is in compliance with the standards of that district with regard to bulk, setbacks, and proportionality.

Mr. Nardoza emphasized that he is concerned with the sheer size of the building, rather than the density.

Chairman Doukas pointed out that testimony had involved parking, impact, and the physical relationship to the adjacent neighborhoods, rather than the design of the building.

Mr. Mull expressed his opinion that there would always be a conflict in any attempt to locate R-2 up against R-5, emphasizing that the applicant has made every effort allowed by the Development Code. He explained that the road can not be relocated and that a Regional Center is not an option in this area, adding that the Comprehensive Plan provides for a mixture of different housing options.

Mr. Sedoruk described the various problems that would be created by relocating the road.

Chairman Doukas discussed the possibility of shifting the entire development slightly to the north, noting that she is referring to 20 feet of landscaping, rather than 100 feet of green space that can not be utilized, and discussed the various ways this could be addressed. She pointed out that she is more concerned with the physical relationship to the adjacent neighborhoods than she is with the possibility of eliminating four parking stalls.

Mr. Sedoruk mentioned that the applicant might like to request a continuance for one week in order to make the revisions necessary to address certain issues.

Chairman Doukas cautioned Mr. Sedoruk that the applicant might want to consider alternative options if it is not possible to address these issues and make necessary revisions within one week.

Chairman Doukas granted Mr. Sedoruk's request for a five minute recess.

Mr. Sedoruk explained that the applicant would like to determine which issues need to be addressed and request a continuance in order to provide whatever revisions are necessary for the Board to make an informed decision.

Expressing her opinion that she had made her own concerns very clear, Chairman Doukas requested additional input from her fellow Board Members.

Expressing her agreement with Chairman Doukas, Ms. Weathers stated that she would like to see some revisions to the site plan, adding that she also has concerns with parking issues.

Chairman Doukas pointed out that there are still concerns with potential issues created by headlights for the north/south drive aisle, emphasizing that screening and buffering is important and that the landscape plan should be reviewed.

Ms. Shipley noted that she would prefer revisions to the planting material adjacent to the parking overhang, observing that this vegetation is tall for this

area. She expressed concern with the diseased Douglas Fir trees, adding that she would prefer a different species that is not susceptible to this particular disease.

Chairman Doukas emphasized that it is necessary to illustrate the physical relationship between what is proposed and what exists at this time, adding that this includes how the relationship works, including the elevation of the units, how the ground relates back to the single-family homes, elevation, height, and what is proposed between the existing and proposed development.

Mr. Sedoruk advised Chairman Doukas that the applicant accepts the challenge and would make every effort to address the issues and provide appropriate revisions.

Mr. Ryerson pointed out that the applicant has requested a one-week continuance, observing that the revised plans would most likely not be provided to the Board until two days prior to the continuance, adding that he is concerned with having adequate time for review.

Chairman Doukas noted that two days would provide her with adequate time to review the revisions as long as appropriate information is provided.

Mr. Nardoza **MOVED** and Ms. Weathers **SECONDED** a motion to **CONTINUE** DR 2003-0070 – Federal Heights Multifamily Development Design Review III and TP 2003-0032 – Federal Heights Multifamily Development Tree Plan II to a date certain of February 19, 2004 to allow the Board to review the applicant's revised plans.

Motion **CARRIED**, unanimously.

On question, Chairman Doukas advised Mr. Sedoruk that public testimony would be allowed at this continuance because new evidence would be submitted.

APPROVAL OF MINUTES:

The minutes of January 22, 2004, as written, were submitted. Being the only Board Member who had been in attendance at this meeting, Chairman Doukas **APPROVED** the minutes as written and submitted.

MISCELLANEOUS BUSINESS:

The meeting adjourned at 9:23 p.m.